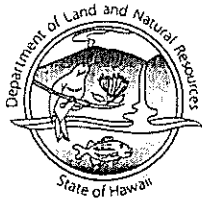


LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Mr. Tim Bynum, Information Specialist
Office of the Mayor
444 Rice Street, Suite 235
Lihue, Kauai, Hawaii 96766

MAR 19 2004

Dear Mr. Bynum:

Subject: Short Term Vacation Rentals within the Conservation District

Thank you for your February 20, 2004 inquiry regarding applicable rules and regulations governing short term vacation rentals in the Conservation District and your request for a DLNR representative to attend an upcoming Ka Leo O Kauai meeting.

The DLNR office responsible for regulation of uses at Haena, Kauai is the Office of Conservation and Coastal Lands (OCCL). Since the DLNR does not have an OCCL employee on the island of Kauai, we would need to send a representative from Oahu to attend any meeting on Kauai. In lieu of doing that, we are providing the following information that we hope will help answer questions regarding short-term vacation rentals.

For your information, the rules that govern Conservation Districts are Title 13, Chapter 5, Hawaii Administrative Rules (HAR) [www.hawaii.gov/dlnr/occl/documents.php]. The conservation rules include standard identified uses, such as SFRs. The rules do not expressly include "short term vacation rental" as one of the identified land uses. However, it appears that the Board of Land and Natural Resources (BLNR) may approve such uses under Section 13-5-42(5), HAR, which states, "The single family residence shall not be used for rental or any other commercial purposes unless approved by the Board". Thus, such uses, not expressly approved by the BLNR, would not be allowed.

If after reviewing the rules, you or members of Ka Leo O Kauai, have further questions, you may draft a list of specific questions for our review. We will do our best to provide answers. Should you have any further questions on this matter, please feel free to call Sam Lemmo of our Office of Conservation and Coastal Lands at 587-0381.

Sincerely,

PETER T. YOUNG, Chairperson

cc: Honorable Brian Baptiste
Kauai District Land Agent
DOCARE